

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-5623 of 2023
Date of Decision:08.02.2023

Surender Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ram Singh Chaudhary, Advocate, for
Mr. Sahil Gupta, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present second petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.353 dated 19.09.2019, under Sections 420, 406, 467, 468, 471, 506, 201, 120-B IPC (Sections 201 and 120-B added later on), registered at Police Station Sadar Dadri, District Charkhi Dadri (Haryana).

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 20.01.2020, which is about 2 years and after completion of the investigation, now the trial has already commenced and 6 out of cited 13 prosecution witnesses have already been examined. He submitted that the present is a case which is triable by the Magistrate. He submitted that although the

petitioner is involved in three more cases, out of which in two cases he has already been extended the benefit of bail by this Court as well as the learned trial Court. He submitted that the petitioner has been falsely implicated in the present case on the basis of enmity against him and the allegations with regard to taking of money for the purpose of recruitment is yet to be seen at the time of trial but considering the long incarceration of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has stated that it is correct that the petitioner is in custody for the last about two years, i.e. 20.01.2020 and 6 out of 13 prosecution witnesses have been examined and the present case is triable by the Magistrate. She submitted that in one of the cases in which the similar allegations were levelled against the petitioner, he was arrested and had been granted bail vide Annexure P-5.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for about two years and the present case is triable by the Magistrate. The mere fact that the petitioner is also involved in three more cases as stated by learned counsel for the petitioner, would not disentitle the petitioner for grant of regular bail. Furthermore, it is not the case of the State nor it has been argued by learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid fact and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate

concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

February 08, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No